APPEAL BRIEF

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I.   <u>Real Party in Interest</u>

The real parties in interest for the present application are Finali Corporation and Convergys Customer Management Group, Inc. Finali Corporation is the assignee of record per an assignment executed, on August 31, 2001, by inventors Daniel Burgin, Scott Gosling, David Young, and William Watler. Finali is a wholly-owned subsidiary of Convergys Customer Management Group, Inc. The assignment is available at Reel [012147], Frame [0524].

II.   Related Appeals and Interferences

To the best of Applicant's knowledge, there are no other appeals or interferences which would directly affect or be directly affected by or have a bearing on the Board's decision in the present appeal.   A response is currently pending based on a non-final rejection of U.S. Application 09/944,676, filed August 31, 2001 and listing Daniel Burgin, Scott Gosling, David Young, and William Watler as inventors, which may be related to or directly affected by the Board's decision in the pending appeal.   It is worth noting that a Notice of Appeal and Appeal Brief were filed in this related case whereafter the Office reopened prosecution.   Further, the Appeal Brief in this related case referenced U.S. Application 10/272,373.   An appeal is currently pending with respect to U.S. Application 10/272,373.

III.   Status of Claims

Claims 1-39 were originally filed in the present application. Claims 1-7, 9-20, 22-25, and 27-28 stand rejected, are the subject of the present appeal, and are set forth in the Claims Appendix to this appeal brief. Claims 8, 21, 26, 29, and 31 are canceled, and are set forth in the Claims Appendix to this appeal brief. Claims 30 and 32-39 are withdrawn based on a restriction requirement, and are set forth in the Claims Appendix to this appeal brief.

IV.   <u>Status of Amendments</u>

There have been no amendments to the claims or specification filed after the Final Rejection Office Action sent August 8, 2008 ("Final Rejection").

V.   Summary of Claimed Subject Matter

Generally, at least some claims in the present application relate to methods and systems for improving web-based customer support by minimizing the costs associated with live agents while retaining customers through an interactive, automated help session.[1] An automated help session provides co-browsing through an automated agent that is displayed in the end-user's browser window in a second frame.[2] In at least one embodiment, a method for displaying content in a browser window associated with an end-user is described.[3] In this embodiment, data that includes links is received from a content provider.[4] At least one link from the data is identified and encoded. The encoded links are then displayed to the end-user so as to appear from a first domain while maintaining an association with a second domain.

A related example is provided in paragraphs [0049]-[0052] of the specification. In this example, an end-user requests help content from a content provider via a browser. In this example, the end-user requests help by selecting a help icon relating to the automated agent. Selecting the icon directs the browser to send a fetch request to the automated support server for the data associated with the automated agent. The automated support server retrieves the page presently being displayed by the content provider and identifies each link in that retrieved page. The automated support server encodes each link in the retrieved page to appear as if they originate from the automated support server. The modified content is then displayed to the user.

For the grouping of the claims, Applicant suggests the following groupings:

Group I: Claims 1-7 and 9-12

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[1] *See* U.S. Pub. 2002/0145628 at paragraphs [0008], [0013], and [0040-0043] and Figures 6-7.
[2] *See Id.* at paragraphs [0013].

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Group II: Claims 20 and 22-24

Group III: Claims 25 and 27-28

Group IV: Claims 13-19

Group I is directed towards a method for operating a browser associated with an end-user. In this group, the method claims are directed towards receiving a request for end-user support. Sometime after receiving this request, the present navigation location for the end-user is determined and encoded. Also, sometime after receiving this request, content is retrieved from a content provider that corresponds to the determined present navigation location. The content includes an embedded navigation link associated with the content location. The embedded navigation link is replaced with an encoded link. The modified content is presented to the end-user such that at least a representation of the modified content and the end-user support are simultaneously viewable by the end-user at the present navigation location.

Group II is directed towards a method for displaying content in a browser window. The method includes receiving data from a content provider. The data includes a plurality of embedded links. The links are identified and encoded to create an appearance that the encoded links are associated with a second domain while maintaining an actual association with a first domain. The modified data is then presented to a user.

Group III is directed towards a method for displaying content in a browser window where the method includes receiving data from a content provider. The data includes a plurality of embedded links associated with a first domain. Each of the links may be identified and encoded.

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[3] *See Id.* at paragraphs [0040-0043] and Figures 6-7.
[4] *See Id.* at paragraphs [0046]-[0048].

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The encoded links are encoded to create an appearance that the links are associated with a second domain. However, the encoded links continue to actually point to a location in the first domain despite the encoding. The modified data is displayed to the user.

Group IV is directed towards a system for providing content to a browser. The system includes an automated support server and an annotation server. The annotated server is configured to encode either a first content portion or a second content portion to create an appearance to the user that both content portions originated from a common domain without actually changing the origin of the first content portion or the second content portion.

With regard to each of the independent claims (1, 13, 20, and 25), please find antecedent basis for each limitation in bold in the following claim support analysis. This analysis is not meant to be inclusive such that it will be understood that merely citing a certain paragraph or figure with respect to a limitation, does not necessarily indicate that the citation is the only portion of the application supporting the respective limitation.

Claim 1.   (Previously Presented)   A method for operating a browser associated with an end-user, the method comprising: **{Para. [0012]}**

receiving a request for end-user support, wherein the request is received at a support location that is remote relative to the end-user; **{Para. [0031]}**

determining a present navigation location for the end-user; **{Para. [0032]}**

retrieving content from a content provider that corresponds to the determined present navigation location, wherein the content is retrieved from a content location that is remote relative to the end-user, wherein the retrieved content includes an embedded navigation link associated with a first domain, wherein the first domain is remote relative to

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the end-user, wherein the first domain is associated with the content location; **{Para. [0051], Fig. 6}**

encoding the present navigation location; **{Para. [0051], Fig. 7}**

encoding the embedded navigation link so that it appears to be associated with a second domain, wherein the second domain is remote relative to the end-user, wherein second domain is associated with the support location; **{Para. [0051-52], Figs. 6-7}**

replacing the embedded navigation link included in the retrieved content with the encoding of the embedded navigation link; **{Para. [0051-52], Figs. 6-7}**

providing a modified content to the end-user, wherein the modified content includes a portion of the retrieved content and includes the encoding of the embedded navigation link that replaced the embedded navigation link, wherein the encoded embedded navigation link continues to be actually associated with the first domain despite the appearance that the encoded embedded navigation link is associated with the second domain; and **{Para. [0051-52], Figs. 6-7}**

providing the end-user support to the end-user, wherein the end-user support is provided from the support location via the second domain; **{Para. [0051-52], Figs. 6-7}**

wherein at least a representation of the modified content and the end-user support are simultaneously viewable by the end-user at the present navigation location. **{Para. [0051-52], Figs. 6-7}**

Claim 13.   (Previously Presented)   A system for providing content to a browser, the system comprising: **{Para. [0012]}**

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a first content portion, wherein the first content portion originates from a first domain that is remote relative to a user; **{Para. [0051-52], Figs. 1, 6-7}**

a second content portion, wherein the second content portion originates from a second domain that is remote relative to the user; **{Para. [0051-52], Figs. 1, 6-7}**

an automated support system; and **{Para. [0038], Fig. 2}**

an annotation server in communication with the automated support system; wherein the annotation server is configured to encode either the first content portion or the second content portion to create an appearance to the user that both content portions originated from a common domain that is remote relative to the user without actually changing the origin of the first content portion or the second content portion. **{Para. [0051-52]}**

Claim 20.   (Previously Presented)   A method for displaying content in a browser window, the method comprising: **{Para. [0012]}**

receiving data from a content provider associated with a first domain that is remote relative to a user, wherein the received data includes a plurality of embedded links; **{Para. [0051-52], Figs. 1, 6-7}**

identifying each of the plurality of embedded links; **{Para. [0051-52], Figs. 1, 6-7}**

encoding a first of the plurality of embedded links to create an appearance that the first of the plurality of embedded links is associated with a second domain that is remote relative to the user while maintaining an actual association between the encoded embedded link and the first domain; and **{Para. [0051-52], Figs. 6-7}**

providing for display in the browser window at least a representation of at least a portion of the received data; **{Para. [0051-52], Figs. 1, 6-7}**

wherein the first of the plurality of embedded links is encoded responsive to the first of the plurality of links being associated with the first domain. **{Para. [0051-52], Figs. 1, 6-7}**

Claim 25. (Previously Presented) A method for displaying content in a browser window, the method comprising: **{Para. [0012]}**

receiving data from a content provider, wherein the received data includes a plurality of embedded links associated with a first domain that is remote relative to a user; **{Para. [0051-52], Figs. 1, 6-7}**

identifying each of the plurality of embedded links; **{Para. [0051-52], Figs. 1, 6-7}**

encoding a first of the plurality of embedded links to create an appearance that the first of the plurality of embedded links is associated with a second domain that is remote relative to the user, wherein the encoded link continues to actually point to a location in the first domain despite the encoding; and **{Para. [0051-0052], Figs. 1, 6-7}**

providing for display in the browser window at least a representation of at least a portion of the received data; **{Para. [0051-0052], Figs. 1, 6-7}**

wherein the first of the plurality of embedded links is encoded responsive to the first of the plurality of links being associated with the first domain. **{Para. [0051-0052], Figs. 1, 6-7}**

VI. Grounds of Rejection to be Reviewed on Appeal

The ground of rejection to be reviewed on appeal is whether claims 1-7, 9-20, 22-25, and 27-28 of U.S. App. 09/944,836 ("Application") are unpatentable under 35 U.S.C. § 102(e) based on U.S. Pub. 2007/0156677 ("Szabo").

VII.   <u>Arguments</u>

    A.   <u>Claims 1-7, 9-20, 22-25, and 27-28 are not properly rejected under 35 U.S.C. §</u>
        <u>102(e) as anticipated by Szabo.</u>

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."[5] The elements must be arranged as required by the claim.[6] When an element is asserted to be inherently present in a cited reference, the Office must show that "the allegedly inherent characteristic <u>necessarily</u> flows from the teachings of the applied prior art."[7] Further, when determining whether a claim is anticipated, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art."[8] If a claim is rejected based on an interpretation which is impermissibly broad, that rejection must be reversed.[9] Given these standards, the Office's rejections under 35 U.S.C. § 102(e) cannot be sustained and must be reversed for the reasons set forth below. Please note that because the Office never stated or otherwise supported that any claim limitation was inherently described by Szabo, the Office's burden requires proving that all the limitations in all the claims are <u>expressly</u> described by Szabo.

    1.   <u>Group I: Claims 1-7 and 9-12</u>

Applicants submit that the art of record fails to teach or suggest all of the limitations recited in independent claim 1 as well as the claims that depend from it. For instance, independent claim 1 recites "*encoding the embedded navigation link so that it appears to be*

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[5] *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987).
[6] *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990).
[7] *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).
[8] *In re Miller*, 441 F.2d 689, 694 (C.C.P.A. 1971).
[9] *See, e.g.*, *In re Buszard*, 504 F.3d 1364 (Fed. Cir. 2007).

associated with a second domain, wherein the second domain is remote relative to the end-user, wherein the second domain is associated with the support location; replacing the embedded navigation link included in the retrieved content with the encoding of the embedded navigation link." The Office cited paragraphs [0255-0256] of Szabo in support for disclosing the above limitations.[10] Upon the complete review of Szabo, including paragraphs [0255-0256], it is unmistakable that Szabo does not describe these limitations. For example, paragraph [0255] discloses ranking search engine results based on factors which are content independent (e.g., investment in the site, or frequency of visits to the site) as well as factors which depend on a web site's content.[11] Paragraph [0256] describes techniques for weighting data for search engine results so that the most relevant results are presented.[12] Neither paragraph discloses or suggests replacing navigation links in retrieved content with encoded navigation links as recited in claim 1. Neither paragraph discloses or suggests encoding links so they appear to be associated with domains associated with support locations as recited in claim 1. No supportable argument exists that the disclosure of ranking and weighting search results in paragraphs [0255-0256] of Szabo describes the above limitations in claim 1.

In another example, claim 1 recites "*replacing the embedded navigation link included in*

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[10] Final Rejection, page 4.
[11] Szabo, paragraph [0255] ("It is known in the art of search engines to rank objects according to their quality, and therefore to prioritize the objects, for example an ordered presentation, based on this quality, independent of content. The object need not be a document or text, and in fact may be, for example, a domain, record or other source. The quality factor itself may be, e.g., investment in site, frequency of visits, duration of visits, hyperlinks, or human editor's opinion of quality... One embodiment of the present invention, therefore, advantageously employs both types of classification data in order to determine the ranking of a record corresponding to a query.")
[12] Szabo, paragraph [0256] ("The technique employed to create such a weighting is akin to the techniques employed in statistics for creating a stratified sample. A stratified sample encompasses a representative and balanced sample of elements of a population, reflecting the characteristics of the population as a whole... Thus, the extent of redundancy may be relevant, and may be displayed. Typically, however, it is considered an advantage to present all redundant records together, with a consistent ranking scheme for consolidated results from different sources.")

the retrieved content with the encoding of the embedded navigation link." The Office cited paragraph [0230] of Szabo as support for disclosing these limitations.[13] Upon complete review of Szabo, including paragraph [0230], it is unmistakable that Szabo does not describe this limitation. For example, paragraph [0230] of Szabo discloses "employing pre-encoded tags present in source documents for the purpose of identifying the content of such documents for categorization thereof."[14] Paragraph [0230] fails to disclose replacing any object of any kind, including replacing an embedded navigation link in a retrieved document as recited in the above limitations of claim 1. Further, paragraph [0230] fails to disclose or suggest the encoding or replacement of navigation links. Paragraph [0230] does teach that metadata tags are part of the original documents, and that a "preferred embodiment…preserves this valuable content-descriptive information for later categorization" (emphasis added). Hence, paragraph [0230] teaches away from replacing an object by instead teaching that objects should be preserved. Therefore, no supportable argument exists that paragraph [0230] describes the above limitation in claim 1, including the "replacing" of embedded navigation links with encoded links.

In another example, claim 1 recites "*providing a modified content to the end-user… wherein the encoded embedded navigation link continues to be actually associated with the first domain despite the appearance that the encoded embedded navigation link is associated with the second domain.*" The Office cited paragraphs [0198-0200] of Szabo in support for the disclosure

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[13] Final Rejection, page 4.
[14] Szabo, paragraph [0230] ("A particular advantage is obtained by employing pre-encoded tags present in source documents for the purpose of identifying the content of such documents for categorization thereof. Typically, the author of a document includes one or more tags or metadata that describe the document or provide key words to assist in automatic indexing thereof. These tags or metadata may be intentionally or unintentionally in error, or outdated; however, they generally provide useful information which is typically ignored, except in an initial

of these limitations.[15] Upon complete review of Szabo, including paragraphs [0198-0200], it is

unmistakable that Szabo does not describe these limitations. For example, paragraphs [0198-

0200] relate to taxonomic representations where "each node may be a hyperlink, meaning that a

selection of that node indicates a reference to another data object or URI," and that the "user may

create de novo, modify or extend a predefined taxonomy based on use or particular

requirements."[16] Paragraphs [0198-0200] fail to disclose, as recited in claim 1, providing a

modified content to an end-user where the modified content "*includes the encoding of the*

embedded navigation link that replaced the embedded navigation link, wherein the encoded

embedded navigation link continues to be actually associated with the first domain despite the

appearance that the encoded embedded navigation link is associated with the second domain."

Absolutely no portion of Szabo, including paragraphs [0198-0200], discloses or even suggests

encoding navigation links, embedding encoded navigation links, or configuring an encoded

embedded navigation link to be associated with a first domain despite the appearance that the

link is associated with a second domain. This also includes the incorporated reference Smith,

U.S. Patent 6,018,748. No portion of Smith is found to disclose these limitations recited in claim

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indexing by a search engine using a single index strategy. In contrast, a preferred embodiment according to the
present invention preserves this valuable content-descriptive information for later categorization.")
[15] Final Rejection, page 3.
[16] Szabo, paragraph [0198-0200] ("In the taxonomic representation, which, as discussed above, is preferably a tree
structure, each node may be a hyperlink, meaning that a selection of that node indicates a reference to another data
object or URI. See, e.g., U.S. Pat. No. 6,018,748 (Smith), expressly incorporated herein by reference. In some
instances, the selection of a node will be employed to define a refinement of the taxonomic definition. In other
instances, the selection of a node may point directly to a data element... The user may create de novo, modify or
extend a predefined taxonomy based on use or particular requirements. Therefore, the present invention provides a
generic taxonomic structure for the organization of knowledge, and in particular computer and Internet platformed
information, and to which a set of new, predefined or extensible definitions may be associated. From a commercial
point of view, each person's activities and interests could be seen as hot spots on a predefined taxonomic map... The
present invention also encompasses selections of information, e.g., customized catalogs, generated for individuals or

1. Applicants invite the Office to rebut this argument by citing specific portions of Smith as well as offering an adequate rationale supporting any assertions with respect to Smith. Overall, no supportable argument exists that paragraphs [0198-0200] of Szabo that relate to taxonomic representations describe the above limitations in claim 1.

In another example, claim 1 recites "*wherein at least a representation of the modified content and the end-user support are simultaneously viewable by the end-user at the present navigation location.*" The Office cited paragraph [0036] of Szabo as disclosing this limitation.[17] Upon complete review of Szabo, including paragraphs [0036], it is unmistakable that Szabo does not disclose this limitation. For example, paragraph [0036] of Szabo is directed towards "full text search engines [that] typically allow a user to search many databases simultaneously."[18] Paragraph [0036] references "the collection selection problem" and the importance of solving it to address a searcher's "desire to ensure that, for a given ad hoc query, the best and most comprehensive set of possible documents will be returned for examination and potential use at minimum cost." Absolutely no portion of Szabo, including paragraph [0036], discloses or suggests configuring a representation of modified content and end-user support to an end-user such that they are both "*simultaneously viewable by the end-user at the present navigation location*" as recited in claim 1. This is evident on its face because paragraph [0036] is consumed

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population groups, based on the structure or statistical density of populated nodes on a taxonomic classification of interests and activities.")
[17] Final Rejection, page 3.
[18] Szabo, paragraph [0036] ("Existing full text search engines typically allow a user to search many databases simultaneously. For example, commercial private collection access providers, such as Dialog, allow a user to search some 500 or more different databases either individually or in manually selected sets…The collection selection problem is formidable even when dealing with a single collection provider. Dialog, an exemplary collection access provider, alone provides access to over 500 separate databases, many with indistinct summary statements of scope and overlapping coverage of topics. With over 50,000 major databases estimated presently available on the Internet, the collection selection problem is therefore impractical to solve reliably and efficiently by a user.")

with discussing the "collection selection problem" which is generally unrelated to the disclosure of any limitation in claim 1. No supportable argument exists that a discussion of the "collection selection problem" in paragraph [0036] describes the above limitation in claim 1.

Finally, Szabo fails to disclose the limitations as arranged in claim 1. The Federal Circuit recently re-emphasized "that the 'arranged as in the claim' requirement applies to <u>all</u> claims and refers to the need for an anticipatory reference to show all the limitations of the claims arranged or combined in the same way as recited in the claims, not merely in a particular order. The test is thus more accurately understood to mean 'arranged or combined in the same way as in the claim.'"[19] It is clear on its face that Szabo does not disclose the limitations of claim 1 as arranged in claim 1. This is true because, among other things, Szabo does not disclose all the limitations of claim 1. Regardless, no portion of Szabo describes any of the limitations recited in claim 1 as being arranged in the same way as in claim 1. For example, Szabo fails to disclose retrieving content, encoding the present navigation link, encoding the embedded navigation link, replacing the embedded navigation link, and provided modified content in the order recited in claim 1. The Office cited paragraphs [0036], [0199-200], [0230], and [0255-0256] as disclosing these limitations. Even if one were to assume that these paragraphs disclose the respective limitations, which has been demonstrated above not to be true, it would still not be feasible to assert that Szabo discloses the limitations <u>in the order and manner</u> recited in claim 1. Applicants invite the Office to offer specific evidence and an adequate rationale that supports an assertion that Szabo describes the limitations recited in claim 1, <u>and</u> in the order recited in claim 1.

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[19] *NetMoneyIN, Inc. v. Verisign, Inc.*, No. 2007-1565, slip op. at *14-15 (Fed. Cir. October 20, 2008) (emphasis added).

In view of these numerous and unmistakable failures of Szabo, the rejection of claim 1 under §102(e) should be withdrawn, and claim 1 should be allowed.

2.   Group II: Claims 20 and 22-24

Applicants submit that the art of record fails to teach or suggest all of the limitations recited in independent claim 20 as well as the claims that depend from it.   For instance, Applicants note that independent claim 20 recites "*encoding a first of the plurality of embedded links to create an appearance that the first of the plurality of embedded links is associated with a second domain that is remote relative to the user while maintaining an actual association between the encoded embedded link and the first domain*."   In the Final Rejection, the Office incorrectly lumped claims 1, 20, and 25 together such that the combined treatment addressed only the limitations found in claim 1.[20]   For example, the Office failed to address the step of "*identifying each of the plurality of embedded links*" and the step of "*encoding a first plurality of links.*"[21]   Applicants therefore affirm that arguments made in the sections for Group I and Group III may therefore be applied to Group II, and vice versa, due to the Office's decision to consider the claims in these sections together in the Final Rejection.

It appears that the Office may have intended to cite paragraphs [0198-0200] and [0255-256] of Szabo as disclosing the above referenced limitations.[22]   Regardless, no portion of Szabo, including the cited paragraphs, discloses these limitations in claim 20.   For example and as mentioned earlier, paragraphs [0198-0200] of Szabo are directed towards taxonomic representations where "each node may be a hyperlink, meaning that a selection of that node

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[20] Final Rejection at 2-4.
[21] Final Rejection at 2-4.
[22] Office Action, pages 3-4.

indicates a reference to another data object or URI."[23] Paragraphs [0198-0200] fail to disclose or suggest encoding navigation links, embedding encoded navigation links, or configuring an encoded embedded navigation link to be associated with a first domain despite the appearance that the link is associated with a second domain. No supportable argument exists that paragraphs [0198-0200] of Szabo that relate to taxonomic representations describe the above limitations in claim 20.

As for paragraph [0255], it discloses ranking search engine results based on content independent factors (e.g., investment in the site, or frequency of visits to the site) as well as factors which depend on a web site's content.[24] Paragraph [0256] describes techniques for weighting data for search engine results so that the most relevant results are presented.[25] Paragraphs [0255-0256] fail to disclose or suggest replacing navigation links in retrieved content with encoded navigation links, or encoding links so they appear to be associated with a second

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[23] Szabo, paragraph [0198-0200] ("In the taxonomic representation, which, as discussed above, is preferably a tree structure, each node may be a hyperlink, meaning that a selection of that node indicates a reference to another data object or URI. See, e.g., U.S. Pat. No. 6,018,748 (Smith), expressly incorporated herein by reference. In some instances, the selection of a node will be employed to define a refinement of the taxonomic definition. In other instances, the selection of a node may point directly to a data element… The user may create de novo, modify or extend a predefined taxonomy based on use or particular requirements. Therefore, the present invention provides a generic taxonomic structure for the organization of knowledge, and in particular computer and Internet platformed information, and to which a set of new, predefined or extensible definitions may be associated. From a commercial point of view, each person's activities and interests could be seen as hot spots on a predefined taxonomic map… The present invention also encompasses selections of information, e.g., customized catalogs, generated for individuals or population groups, based on the structure or statistical density of populated nodes on a taxonomic classification of interests and activities.")

[24] Szabo, paragraph [0255] ("It is known in the art of search engines to rank objects according to their quality, and therefore to prioritize the objects, for example an ordered presentation, based on this quality, independent of content. The object need not be a document or text, and in fact may be, for example, a domain, record or other source. The quality factor itself may be, e.g., investment in site, frequency of visits, duration of visits, hyperlinks, or human editor's opinion of quality... One embodiment of the present invention, therefore, advantageously employs both types of classification data in order to determine the ranking of a record corresponding to a query.")

[25] Szabo, paragraph [0256] ("The technique employed to create such a weighting is akin to the techniques employed in statistics for creating a stratified sample. A stratified sample encompasses a representative and balanced sample of elements of a population, reflecting the characteristics of the population as a whole… Thus, the extent of

domain while maintaining an actual association with a first domain as recited in claim 20. No supportable argument exists that the disclosure of ranking and weighting search results in paragraphs [0255-0256] of Szabo describes the above limitations in claim 1.

Finally, Szabo fails to disclose the limitations as arranged in claim 20. As mentioned, the Federal Circuit recently re-emphasized "that the 'arranged as in the claim' requirement applies to all claims and refers to the need for an anticipatory reference to show all the limitations of the claims arranged or combined in the same way as recited in the claims, not merely in a particular order. The test is thus more accurately understood to mean 'arranged or combined in the same way as in the claim.'"[26] It is clear on its face that Szabo does not disclose the limitations of claim 20 as arranged in claim 20. This is true because, among other things, Szabo does not disclose all the limitations of claim 20. Regardless, no portion of Szabo describes any of the limitations recited in claim 20 as being arranged in the same way as in claim 20. For example, Szabo fails to disclose retrieving data from a content provider, identifying each of the plurality of embedded links, encoding a first plurality of embedded links, and providing a portion of the received data for display in the order and manner recited in claim 20. Applicants invite the Office to offer specific evidence and an adequate rationale that supports an assertion that Szabo describes the limitations recited in claim 20, and in the order recited in claim 20.

In view of these numerous and unmistakable failures of Szabo, the rejection of claim 20 under §102(e) should be withdrawn, and claim 20 should be allowed.

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redundancy may be relevant, and may be displayed. Typically, however, it is considered an advantage to present all redundant records together, with a consistent ranking scheme for consolidated results from different sources.")
[26] *NetMoneyIN, Inc. v. Verisign, Inc.*, No. 2007-1565, slip op. at *14-15 (Fed. Cir. October 20, 2008) (emphasis added).

3.   Group III: Claims 25 and 27-28

Applicants submit that the art of record fails to teach or suggest all of the limitations recited in independent claim 25 as well as the claims that depend from it. For instance, Applicants note that independent claim 25 recites "*encoding a first of the plurality of embedded links to create an appearance that the first of the plurality of embedded links is associated with a second domain that is remote relative to the user, wherein the encoded link continues to actually point to a location in the first domain despite the encoding*." In the Final Rejection, the Office incorrectly considered claims 1, 20, and 25 together for rejection purposes such that the combined treatment addressed only the limitations found in claim 1.[27] For example, the Office failed to address the step of "*identifying each of the plurality of embedded links*" and the step of "*encoding a first plurality of links*." Applicants therefore affirm that arguments made in the sections for Group I and Group II may therefore be applied to Group III, and vice versa, due the Office's decision to consider the claims of these sections together in the Final Rejection.

It appears that the Office may have cited paragraphs [0198-0200] and [0255-256] of Szabo for disclosing the above limitations of claim 25.[28] Regardless, no portion of Szabo, including the cited paragraphs, discloses the above limitations recited in claim 25. For example and as mentioned earlier, paragraphs [0198-0200] are directed towards taxonomic representations where "each node may be a hyperlink, meaning that a selection of that node indicates a reference to another data object or URI."[29] Paragraphs [0198-0200] fail to disclose or

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[27] Final Rejection at 2-4.
[28] Final Rejection, pages 3-4.
[29] Szabo, paragraph [0198-0200] ("In the taxonomic representation, which, as discussed above, is preferably a tree structure, each node may be a hyperlink, meaning that a selection of that node indicates a reference to another data object or URI. See, e.g., U.S. Pat. No. 6,018,748 (Smith), expressly incorporated herein by reference. In some

suggest encoding navigation links, embedding navigation links, or configuring an encoded embedded navigation link to be associated with a first domain despite the appearance that the link is associated with a second domain as recited in claim 25. No supportable argument exists that paragraphs [0198-0200] of Szabo that relate to taxonomic representations describe the above limitations in claim 25.

As for paragraph [0255], it discloses ranking search engine results based on content independent factors (e.g., investment in the site, or frequency of visits to the site) as well as factors which depend on a web site's content.[30] Paragraph [0256] describes techniques for weighting data for search engine results so that the most relevant results are presented.[31] Overall, paragraphs [0255-0256] fail to disclose or suggest replacing navigation links in retrieved content with encoded navigation links, or encoding links so they appear to be associated with a second domain while maintaining an association with a first domain as recited in claim 25. No supportable argument exists that the disclosure of ranking and weighting search

instances, the selection of a node will be employed to define a refinement of the taxonomic definition. In other instances, the selection of a node may point directly to a data element… The user may create de novo, modify or extend a predefined taxonomy based on use or particular requirements. Therefore, the present invention provides a generic taxonomic structure for the organization of knowledge, and in particular computer and Internet platformed information, and to which a set of new, predefined or extensible definitions may be associated. From a commercial point of view, each person's activities and interests could be seen as hot spots on a predefined taxonomic map… The present invention also encompasses selections of information, e.g., customized catalogs, generated for individuals or population groups, based on the structure or statistical density of populated nodes on a taxonomic classification of interests and activities.")
[30] Szabo, paragraph [0255] ("It is known in the art of search engines to rank objects according to their quality, and therefore to prioritize the objects, for example an ordered presentation, based on this quality, independent of content. The object need not be a document or text, and in fact may be, for example, a domain, record or other source. The quality factor itself may be, e.g., investment in site, frequency of visits, duration of visits, hyperlinks, or human editor's opinion of quality... One embodiment of the present invention, therefore, advantageously employs both types of classification data in order to determine the ranking of a record corresponding to a query.")
[31] Szabo, paragraph [0256] ("The technique employed to create such a weighting is akin to the techniques employed in statistics for creating a stratified sample. A stratified sample encompasses a representative and balanced sample of elements of a population, reflecting the characteristics of the population as a whole… Thus, the extent of

results in paragraphs [0255-0256] of Szabo describes the above limitations in claim 25.

Finally, Szabo fails to disclose the limitations as arranged in claim 25. As mentioned, the Federal Circuit recently re-emphasized "that the 'arranged as in the claim' requirement applies to all claims and refers to the need for an anticipatory reference to show all the limitations of the claims arranged or combined in the same way as recited in the claims, not merely in a particular order. The test is thus more accurately understood to mean 'arranged or combined in the same way as in the claim.'"[32] It is clear on its face that Szabo does not disclose the limitations of claim 25 as arranged in claim 25. This is true because, among other things, Szabo does not disclose all the limitations of claim 25. Regardless, no portion of Szabo describes any of the limitations recited in claim 25 as being arranged in the same order as claim 25. For example, Szabo fails to disclose receiving data from a content provider, identifying each of the plurality of embedded links, encoding a first plurality of embedded links, and providing a portion of the received data for display in the order and manner recited in claim 25. Applicants invite the Office to offer specific evidence and an adequate rationale that supports an assertion that Szabo describes the limitations recited in claim 25, and in the order recited in claim 25.

In view of these numerous and unmistakable failures of Szabo, the rejection of claim 25 under §102(e) should be withdrawn, and claim 25 should be allowed.

4. Group IV: Claims 13-19

Applicants submit that the art of record fails to teach or suggest all of the limitations recited in independent claim 13 as well as the claims that depend from it. For instance and as

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redundancy may be relevant, and may be displayed. Typically, however, it is considered an advantage to present all redundant records together, with a consistent ranking scheme for consolidated results from different sources.")

argued in pages 11-12 of the Response, Applicants note that independent claim 13 recites

"*wherein the annotation server is configured to encode either the first content portion or the*

second content portion to create an appearance to the user that both content portions originated

from a comon domain that is remote relative to the user without actually changing the origin of

the first content portion or the second content portion." The Office asserted in the Final

Rejection that paragraphs [0028-0029] of Szabo disclose the above limitations of claims 13.

Paragraphs [0028-0029] are directed towards U.S. Patent No. 5,634,051 and U.S. Patent

5,634,051. No portion of Szabo, including paragraphs [0028-0029] and the incorporated

references, discloses or even suggests encoding of any kind including such that "*either the first*

content portion or the second content portion to create an appearance to the user that both

content portions originated from a comon domain that is remote relative to the user without

actually changing the origin of the first content portion or the second content portion." In

contrast, paragraph [0028] describes an approach to information storage, searching and retrieval

which includes categorizing documents using a predetermined set of categories for the purpose

of generating a summary for a user.[33] Paragraph [0029] discloses an approach to information

storage, searching and retrieval which, in addition to using categories to generate summaries for

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[32] *NetMoneyIN, Inc. v. Verisign, Inc.*, No. 2007-1565, slip op. at *14-15 (Fed. Cir. October 20, 2008) (emphasis added).

[33] Szabo, paragraph [0028] "U.S. Pat. No. 5,634,051, expressly incorporated herein by reference, proposes an information storage, searching and retrieval system for a large domain of archived data of various types, in which the results of a search are organized into discrete types of documents and groups of document types so that users may easily identify relevant information...The means for categorizing documents and generating the summary preferably includes a plurality of predetermined sets of categories of document types, and further includes means for automatically customizing the summary by automatically selecting one of the sets of categories, based on the identity of the user or a characteristic of the user (such as the user's professional position, technical discipline, industry identity, etc.), for use in preparing the summary. In this way, the summary for an individual user is automatically customized to a format that is more easily and efficiently utilized and assimilated. Alternately, the set

a user, automatically generates a search query for retrieving information.[34] No supportable argument exists that paragraphs [0028-0029] that relate to information storage describe the above limitations in claim 13.

In view of these unmistakable failures of Szabo, the rejection of claim 13 under §102(e) should be withdrawn, and claim 13 should be allowed.

B.   The Office's "Response to Arguments" section in the Final Rejection is erroneous

The Office's "Response to Arguments" section in the Final Rejection is not consistent with the law on Patent Office procedure. The Office advised Applicants to "read and consider the whole reference not just the specific paragraphs pointed out."[35] By stating this, the Office concedes that it has not met its burden of establishing a prima facie case of anticipation. It is well established that the Office has the initial burden of proving a prima facie case of anticipation by showing that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."[36] It is not the Applicant's burden to discover how or why a cited reference anticipates a claim, including for example the incorporated references from paragraphs [0028] and [0029] of Szabo. In addition to this showing and as mentioned earlier, the Office also has a burden of proving that a cited reference discloses the elements "arranged as in the claim."[37] The 'arranged as in the claim' requirement

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of categories selected may be set up to allow the user to select a desired set of categories for use in summarizing the search results.

[34] Szabo, paragraph [0029] "According to U.S. Pat. No. 5,634,051, expressly incorporated herein by reference, a process of storing, searching and retrieving information for use with a large domain of archived data of various types involves storing in electronically retrievable form a large domain of data contained in documents obtained from multiple source records…According to the present invention, the self-expressed limits of this patent may be relaxed, allowing use in conjunction with other techniques to achieve a useful result.

[35] Office Action, page 7.

[36] *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987).

[37] *Net MoneyIN, Inc. v. Verisign, Inc.*, No. 2007-1565, slip op. at *14-15 (Fed. Cir. October 20, 2008).

applies to all claims and refers to the need for an anticipatory reference to show all of the limitations of the claims arranged or combined in the same way as recited in the claims, not merely in a particular order.[38] It is obvious on its face that independent claims 1, 20 and 25 are not disclosed by Szabo as respectively arranged in addition to the failure to disclose all the claim limitations. Applicants invite the Office to offer specific citations and adequate rationales to rebut these proven statements.

As mentioned earlier, the Office never expressed that any limitation was inherently described in Szabo. Therefore, the Office must prove that Szabo expressly discloses all limitations in every claim. As demonstrated, Szabo fails to respectively disclose numerous limitations in claims 1, 13, 20 and 25. In one example, the Office's asserts that language in Szabo stating "the search engines operate on the query to generate a set of results" describes "replacing the embedded navigation link in the retrieved content" as recited in claim 1. This is clearly incorrect. It is clear on its face that language stating "generating a set of results" does not describe "replacing the embedded navigation link in the retrieved content." Hence, the Office's argument is clearly erroneous with respect to this single limitation. This assertion exemplifies the numerous failures of the Office to meet its burden with respect to proving a prima facie case of anticipation.

In summary and in light of the foregoing, Applicants request that the pending rejection be reversed, and that the pending claims be allowed in their present form.

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[38] *Net MoneyIN, Inc.*, slip op. at *15.

VIII.   <u>Claims Appendix</u>

1.   (Previously Presented) A method for operating a browser associated with an end-user, the method comprising:

receiving a request for end-user support, wherein the request is received at a support location that is remote relative to the end-user;

determining a present navigation location for the end-user;

retrieving content from a content provider that corresponds to the determined present navigation location, wherein the content is retrieved from a content location that is remote relative to the end-user, wherein the retrieved content includes an embedded navigation link associated with a first domain, wherein the first domain is remote relative to the end-user, wherein the first domain is associated with the content location;

encoding the present navigation location;

encoding the embedded navigation link so that it appears to be associated with a second domain, wherein the second domain is remote relative to the end-user, wherein the second domain is associated with the support location;

replacing the embedded navigation link included in the retrieved content with the encoding of the embedded navigation link;

providing a modified content to the end-user, wherein the modified content includes a portion of the retrieved content and includes the encoding of the embedded navigation link that replaced the embedded navigation link, wherein the encoded embedded navigation link continues to be actually associated with the first domain despite the appearance that the encoded embedded navigation link is associated with the second domain; and

providing the end-user support to the end-user, wherein the end-user support is provided from the support location via the second domain;

wherein at least a representation of the modified content and the end-user support are simultaneously viewable by the end-user at the present navigation location.

2.	(Original) The method of claim 1, further comprising:

identifying the embedded navigation link.

3.	(Original) The method of claim 1, wherein the retrieved content is provided in a first frame of a browser window and the end-user support is provided in a second frame of the browser window, and wherein the first frame and the second frame are simultaneously displayable within the browser window.

4.	(Original) The method of claim 3, further comprising:

receiving at the first frame a notice of a navigation event that occurred at the second frame.

5.	(Original) The method of claim 4, wherein receiving the notice comprises:

receiving an indication that the embedded navigation link has been selected by the end-user.

6.	(Previously Presented) The method of claim 5, further comprising:

decoding the embedded navigation link;

passing the decoded embedded navigation link to the content provider;

receiving content corresponding to the decoded embedded navigation link, wherein the content corresponding to the decoded embedded navigation link is received from the content location; and

providing the received content to the end-user.

7.	(Original) The method of claim 1, wherein providing the end-user support comprises:

providing automated end-user support.

8.	(Canceled)

9.   (Original) The method of claim 1, wherein the embedded navigation link is associated with a first transport protocol and the end-user support is associated with a second transport protocol, the method further comprising:

        masking one of the first transport protocol and the second transport protocol so that content associated with the embedded navigation link and the end-user support appears to be subject to the same transport protocol.

10.   (Previously Presented) The method of claim 1, wherein the embedded navigation link is a first embedded navigation link and wherein the first navigation link is associated with the first domain and wherein the retrieved content includes a second navigation link associated with the second domain, the method further comprising:

        providing the second navigation link to the end-user without encoding.

11.   (Original) The method of claim 10, wherein providing the second navigation link comprises:

        passing the second navigation link directly to an associated content provider responsive to selection of the second navigation link by the end-user.

12.   (Original) The method of claim 10, wherein providing the second navigation link comprises:

        forwarding the second navigation link to an associated content provider responsive to selection of the second navigation link by the end-user.

13.   (Previously Presented) A system for providing content to a browser, the system comprising:

        a first content portion, wherein the first content portion originates from a first domain that is remote relative to a user;

        a second content portion, wherein the second content portion originates from a second domain that is remote relative to the user;

an automated support system; and

an annotation server in communication with the automated support system; wherein the annotation server is configured to encode either the first content portion or the second content portion to create an appearance to the user that both content portions originated from a common domain that is remote relative to the user without actually changing the origin of the first content portion or the second content portion.

14.   (Original) The system of claim 13, wherein the common domain is a third domain.

15.   (Original) The system of claim 13, wherein the automated support system comprises:

a profiler application.

16.   (Original) The system of claim 15, wherein the profiler application comprises:

a roles module; and

a skills module in communication with the roles module.

17.   (Original) The system of claim 13, wherein the automated support system comprises:

a resource data module.

18.   (Original) The system of claim 17, wherein the resource data module comprises:

a dialogue module; and

a social skill module.

19.   (Previously Presented) The system of claim 13, wherein the annotation server comprises:

instruction memory;

a processing device connected to the instruction memory; and plurality of instructions configured to cause the processing device to:

receive data from a content provider, wherein the received data includes a plurality of embedded links;

identify each of the plurality of embedded links;

encode a first of the plurality of embedded links; and

provide to an end-user the encoded first of the plurality of embedded links;

wherein the first of the plurality of embedded links is encoded responsive to the first of the plurality of links being associated with a first domain.

20.   (Previously Presented) A method for displaying content in a browser window, the method comprising:

receiving data from a content provider associated with a first domain that is remote relative to a user, wherein the received data includes a plurality of embedded links;

identifying each of the plurality of embedded links;

encoding a first of the plurality of embedded links to create an appearance that the first of the plurality of embedded links is associated with a second domain that is remote relative to the user while maintaining an actual association between the encoded embedded link and the first domain; and

providing for display in the browser window at least a representation of at least a portion of the received data;

wherein the first of the plurality of embedded links is encoded responsive to the first of the plurality of links being associated with the first domain.

21.   (Canceled)

22.   (Original) The method of claim 20, further comprising:

receiving a request for end-user support;

determining a present navigation location associated with the browser; and passing a fetch request to the content provider for data related to the present navigation location.

23.   (Previously Presented) The method of claim 20, further comprising:

providing for display in the browser window an interactive content; wherein the interactive content originates from the second domain.

24.   (Original) The method of claim 23, wherein the encoding comprises:

encoding the first of the plurality of links so that it appears to have originated from the second domain.

25.   (Previously Presented) A method for displaying content in a browser window, the method comprising:

receiving data from a content provider, wherein the received data includes a plurality of embedded links associated with a first domain that is remote relative to a user;

identifying each of the plurality of embedded links;

encoding a first of the plurality of embedded links to create an appearance that the first of the plurality of embedded links is associated with a second domain that is remote relative to the user, wherein the encoded link continues to actually point to a location in the first domain despite the encoding; and

providing for display in the browser window at least a representation of at least a portion of the received data;

wherein the first of the plurality of embedded links is encoded responsive to the first of the plurality of links being associated with the first domain.

26.   (Canceled)

27.   (Original) The method of claim 25, further comprising:

receiving a request for end-user support;

determining a present navigation location associated with the browser; passing a fetch request to

the content provider for data related to the present navigation location.

28.   (Previously Presented) The method of claim 25, further comprising:

providing for display in the browser window an interactive content; wherein the interactive content originates from the second domain.

29.   (Canceled)

30.   (Withdrawn) A system for providing end-user support, the system comprising:

an end-user support knowledge database;

an automated support server in communication with the end-user support knowledge database, wherein the automated support server is configured to provide automated support to an end-user; and

a secondary support system in communication with the end-user support knowledge database; and

a data collection module in communication with the end-user support knowledge database, the automated support server, and the secondary support system, wherein the data collection module records a set of data related to an actual end-user support session between the end-user and one or both of the automated support server and the secondary support system, wherein the data collection module is configured to provide updated information to the knowledge database, wherein the updated information relates to the actual end-user support session; and

wherein both the automated support server and the secondary support system are configured to access the end-user support knowledge database to provide end-user support.

31.   (Canceled)

32.   (Withdrawn) The system of claim 31, further comprising:

a report and analysis module in communication with the end-user support knowledge database.

33.   (Withdrawn) The system of claim 30, further comprising:

an annotation server in communication with the automated support server.

34.   (Withdrawn) The system of claim 33, further comprising:

a content provider in communication with the automated support server.

35.   (Withdrawn) The system of claim 30, wherein the secondary support system comprises a live

support system.

36.   (Withdrawn) A system for providing end-user support, the system comprising:

an end-user support knowledge database;

an automated support server in communication with the end-user support knowledge database,

wherein the automated support server is configured to provide automated support to an end-user; and

a data collection module in communication with the end-user support knowledge database and the

automated support server, wherein the data collection module records a set of data related to an actual

end-user support session between the end-user and the automated support server, wherein the data

collection module is configured to provide at least a portion of the recorded set of data to the knowledge

database to update the knowledge database.

37.   (Withdrawn) The system of claim 36, further comprising:

a report and analysis module in communication with the end-user support knowledge database.

38.   (Withdrawn) The system of claim 36, further comprising:

an annotation server in communication with the automated support server.

39.   (Withdrawn) The system of claim 38, further comprising:

a content provider in communication with the automated support server.

IX.   <u>Evidence Appendix</u>

None.

X.   Related Proceedings Appendix

No decisions have been rendered by the either the Board or any court with respect to U.S.

Application 09/944,676 or U.S. Application 10/272,373.